



SDMS Doc ID 2014643

# Controlled Correspondence For REGION 9

CONTROL NO : AX-0304106

<b>ORIG. DUE DATE:</b> 06/05/2003
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FILE CODE: PO CORR 127 GENERAL CORR-PRIVATE ORGANIZATIONS (PO)

STATUS: PENDING

CORRES. DATE: 05/13/2003

RECEIVED DATE: 05/20/2003

ASSIGNED DATE: 05/22/2003

CLOSED DATE:

FROM: PETERSEN KENNETH J.

ORG: CALIFORNIA NEWHALL COUNTY WATER DISTRICT

SALUTATION: DEAR MR. PETERSEN

CONSTITUENT:

TO: ADMINISTRATOR

TO ORG: EPA

SUBJECT: RESOLUTION NO. 2003-7 OPPOSING THE CREATION OF LEGISLATIVE  
EXEMPTION FOR THE MILITARY AND DEFENSE CONTRACTORS SHIELDING  
THEM FROM MEETING THEIR RESPONSIBILITIES FOR CLEANUP OF  
POLLUTANTS IN GROUNDWATER SUPPLIES

ASSIGNED: SUPERFUND DIVISION

COPIES OF INCOMING PROVIDED TO: AO - BARBARA MCLEOD, OCIR - TOD BURNETT,  
SOLID WASTE & EMERGENCY RESPONSE

SIGNATURE: REGIONAL ADMINISTRATOR

R9 COMMENTS:

AX INSTRUCTIONS: PREPARE REPLY FOR THE REGIONAL ADMINISTRATOR'S SIGNATURE.  
SEND COPY OF REPLY TO OEX.

R9 INSTRUCTIONS:

	Assigned	Date Assigned	Code/Status	Date Completed by Assignee	Date Returned to R9 :
Lead	SFD	05/22/2003	ACTION	-	-

**NEWHALL COUNTY WATER DISTRICT**

23780 North Pine Street • P.O. Box 220970 • Santa Clarita, CA 91322-0970  
(661) 259-3610 Phone • (661) 259-9673 Fax • email: mail@ncwd.org

Directors: RANDALL D. PFIESTER, *President* VALERIE THOMAS, *Vice President* JOAN DUNN BARBARA DORE LYNNE A. PLAMBECK

May 13, 2003

**RECEIVED**  
MAY 20 2003

**EXEC. SECRETARIAT**

Christie Whitman, Administrator  
EPA  
Ariel Rios Building  
1200 Pennsylvania Ave., N.W.  
Mail Code 3213A  
Washington, DC 20460

Dear Administrator Whitman:

Please find enclosed a copy of the Newhall County Water District's Resolution No. 2003-7, opposing the creation of a legislative exemption for the military and defense contractors shielding them from meeting their responsibilities under the applicable environmental laws relating to the cleanup of pollutants in groundwater supplies.

Very truly yours,

NEWHALL COUNTY WATER DISTRICT

Kenneth J. Petersen  
General Manager

KJP: ehk

Enclosure

cc: NCWD Board of Directors

**RESOLUTION NO. 2003-7**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
NEWHALL COUNTY WATER DISTRICT  
OPPOSING THE CREATION OF A LEGISLATIVE EXEMPTION FOR  
THE MILITARY AND DEFENSE CONTRACTORS  
SHIELDING THEM FROM MEETING THEIR RESPONSIBILITIES UNDER  
THE APPLICABLE ENVIRONMENTAL LAWS  
RELATING TO THE CLEANUP OF POLLUTANTS  
IN GROUNDWATER SUPPLIES**

**WHEREAS**, Newhall County Water District ("District") is a retail water purveyor providing water service to a portion of the Santa Clarita Valley; and

**WHEREAS**, one of the primary sources of water supply enabling the District to meet the demands of its customers is groundwater production from the aquifers underlying the Santa Clarita Valley; and

**WHEREAS**, underground basins and aquifers such as those beneath the Santa Clarita Valley are susceptible to contamination by pollutants and chemicals from activities conducted on the surface; and

**WHEREAS**, the susceptibility and exposure of groundwater basins and aquifers to pollution from surface contamination led to the adoption of various environmental laws designed to ensure that surface polluters causing groundwater contamination would be held accountable for those activities, including funding of necessary clean-up costs; and

**WHEREAS**, no less than five (5) water production wells in the Santa Clarita Valley, including one operated by the District, have been shut down in recent months due to perchlorate contamination; and

**WHEREAS**, tests and studies indicate that it was the manufacturing and testing activities of Whittaker Corporation, and its predecessors, relating to military ordinance and munitions between 1934 and 1986, on Whittaker/Bermite property (a 1,000-acre site in the center of the City of Santa Clarita), which caused the perchlorate contamination in groundwater aquifers of the Santa Clarita Valley; and

**WHEREAS**, the District, along with other wholesale and retail water purveyors in the Santa Clarita Valley have commenced litigation against the Whittaker Corporation and its

predecessors-in-interest under applicable law to hold them accountable for the groundwater contamination arising from their activities; and

**WHEREAS**, the California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC"), commenced administrative proceedings in 2002 against Whittaker Corporation relating to the contamination of the Whittaker/Bermite property and orders have been issued compelling Whittaker Corporation to commence operations to clean up the perchlorate contamination in the Santa Clarita Valley; and

**WHEREAS**, the Whittaker Corporation has acknowledged in its Consent Decree with DTSC that it filed incomplete and misleading reports concerning disposition of certain chemical compounds utilized in its testing and manufacturing activities at the Whittaker/Bermite property; and

**WHEREAS**, it has been recently proposed that, in the interest of military readiness, the military and its defense contractors be exempted from compliance with certain environmental laws, which, among other things, might include immunity from liability, sanctions and other remedies under certain state and federal environmental laws; and

**WHEREAS**, such legislative action would be inconsistent with the policy underlying our environmental laws and would thrust the economic responsibility for solving groundwater contamination problems upon local governmental agencies when, in fact, the military and defense contractors are among the primarily responsible parties causing the contamination; and

**WHEREAS**, the enactment of such laws as proposed to protect the military and defense contractors from liability for environmental pollution would, in effect, constitute a partial preemption of otherwise applicable state and federal environmental laws and render the states and local government powerless to enforce their laws and to seek effective relief from some of the parties responsible for the contamination of the local environment and, more particularly, groundwater supplies; and

**WHEREAS**, it is in the best interests of all parties, local, state and federal officials, the military, defense contractors and the public generally, that all interested and affected parties cooperate in resolving contamination in groundwater supplies generally, and more particularly the perchlorate groundwater contamination in the Santa Clarita Valley.

**NOW, THEREFORE, BE IT RESOLVED** that the Newhall County Water District firmly opposes any legislative action which would exempt, minimize or otherwise immunize any polluters, whether they be governmental entities, the military, defense contractors or private citizens, from complying with their obligations under applicable environmental laws relative to groundwater contamination; to do otherwise, would, in effect, thrust upon local communities and special districts such as the Newhall County Water District, and its rate payers, the very expensive task of removing contaminants from groundwater when such local agencies did not cause or contribute to that contamination; and

**FURTHER RESOLVED** that the Newhall County Water District firmly opposes the passage of legislation in any form that would relieve any party, including, but not limited to the

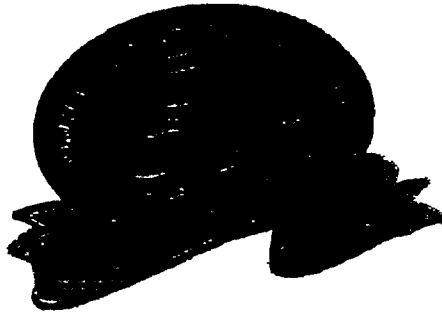
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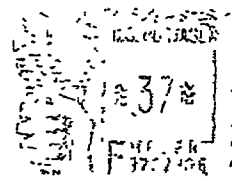
MAY-22-2003 06:58



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23780 North Pine Street  
P.O. Box 220970  
Santa Clarita, CA 91322-0970



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TOTAL P.05